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10/668,142	09/24/2003	Amit Singhal	0026-0047	2802

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EXAMINER

PYO, MONICA M

ART UNIT PAPER NUMBER

2161

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/668,142

Applicant(s)

SINGHAL ET AL.

Examiner

Monica M. Pyo

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 12-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This communication is responsive to the Election/Restriction filed on 5/12/2006.  
Applicant elected Group I, claims 1-11 with traverse in page 4 of Remark is acknowledged.  
Group II, claims 12-41 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b) as being drawn to a non-elected. Therefore, Claims 1-11 are present for examination.  
Claims 12-41 are pending.
2. Claims 1-11 are rejected.

***Drawings***

3. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. Claim 3 is objected to because of the following informalities:  
  
The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding Claim 3, this claim recites the limitation “when the query is not included in the predetermined list of commercial query patterns” (in lines 2-3). There is insufficient antecedent basis for this claim limitation.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Regarding claim 9-11, these claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-11 are not statutory because they are directed to a signal which is nonstatutory because a signal is not tangible. The claim lacks a tangible results as required by Sate Street. The disclosure (in [0027], lns. 3-8) defines computer readable medium to be a signal (carrier waves): “A computer-readable medium may be defined as one or more memory devices and/or carrier waves.”

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office áction:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being obvious by U.S. Patent Application Publication No. 2003/0220912 by Fain et al. (hereafter Fain).

Regarding Claims 1, 9 and 11, Fain discloses a method for processing a query, comprising:

- **receiving a query**, as a query submitted by a user (Fain: [0019], lns. 4-6);
- **determining whether the query is a commercial query or a non-commercial query**, as a determination of categorizations between commercial and non-commercial queries (Fain: [0019], lns. 1-6; [0046], lns. 9-14);
- **processing the query in a first manner when the query is determined to be a non-commercial query**, as a first processing of treating all queries as non-commercial queries (Fain: [0024], lns. 1-8; [0080], lns. 8-18); and
- **processing the query in a second, different manner when the query is determined to be a commercial query**, as a filtering out process to sort out commercial queries (Fain: [0024], lns. 1-8; [0053], lns. 1-13; [0080], lns. 8-18).

Claims 9 and 11 are also rejected based upon the same reasoning as Claim 1.

Regarding Claim 2, Fain discloses the method wherein the determining includes:

- determining whether the query is included in a predetermined list of commercial query patterns (Fain: [0026], lns. 1-7), and
- identifying the query as a commercial query when the query is included in the predetermined list of commercial query patterns (Fain: [0026], lns. 1-7).

Regarding Claim 3, Fain discloses the method wherein the determining further includes:

- determining, when the query is not included in the predetermined list of commercial query patterns, whether the query relates to at least one commercial query pattern in the predetermined list of commercial query patterns (Fain: [0057], Ins. 5-24), Ins. ,
- identifying the query as a commercial query when the query relates to at least one commercial query pattern in the predetermined list of commercial query patterns (Fain: [0057], Ins. 5-24), and
- identifying the query as a non-commercial query when the query is unrelated to the predetermined list of commercial query patterns (Fain: [0050], Ins. 12-18).

Regarding Claim 4, Fain discloses the method wherein the determining whether the query relates to at least one commercial query pattern in the predetermined list of commercial query patterns includes:

- determining whether the query relates to at least one commercial query pattern based at least in part on at least one of a use of stemming, an identification of one or more synonyms, an identification of one or more related words, and an identification of a category or classification (Fain: [0051], Ins. 1-7; [0052], Ins. 1-5).

Regarding Claim 5, Fain discloses the method wherein the processing the query in a first manner includes:

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- retrieving one or more documents relating to the query (Fain: [0079], lns. 1-13),  
and
- scoring the one or more documents based at least in part on a first set of criteria  
(Fain: [0078], lns. 1-8; [0084], lns. 9-12; [0087], lns. 1-7).

Regarding Claim 6, Fain discloses the method wherein the processing the query in a second, different manner includes:

- retrieving the one or more documents relating to the query (Fain: [0079], lns. 1-13), and
- scoring the one or more documents based at least in part on a second, different set of criteria (Fain: [0078], lns. 16-28; [0084], lns. 9-12; [0087], lns. 8-12).

Regarding Claim 7, Fain discloses the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on one or more attributes of documents that match the query (Fain: [0078], lns. 1-28).

Regarding Claim 8, Fain discloses the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on user-supplied data regarding the query or documents that match the query (Fain: [0078], lns. 1-28; [0079], lns. 1-13).

Regarding Claim 10, Fain discloses a server comprising:

- a memory configured to store instructions, as a recordable data storage medium (Fain: [0082], lns. 1-8) ; and
- a processor configured to execute the instructions to:
  - o **receive a query**, as a query submitted by a user (Fain: [0019], lns. 4-6)
  - o **identify the query as commercial or non-commercial**, as a determination of categorizations between commercial and non-commercial queries (Fain: [0019], lns. 1-6; [0046], lns. 9-14) and
  - o **process the query based at least in part on whether the query is identified as commercial or non-commercial**, as a process of sorting out commercial queries from queries (Fain: [0024], lns. 1-8; [0053], lns. 1-13; [0080], lns. 8-18).

***Response to Remark***

9. Regarding applicant's request of including claims 30-41 of group II into the elected group I, the Examiner disagrees because: while claim groups are subcombinations disclosed as usable together in a single combination, the highly ranked class (705 class vs. 707 class) must examine the subcombination (claims 12-29) plus the combined group of claims (claims 30-41).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.




If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo  
Examiner  
Art Unit 2161

mp  
9/17/2006



Leslie Wong  
Primary Examiner